

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

**AUGUST 23, 2002**

(Published August 31, 2002, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
August 23, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, President Ostrow.

Absent - Biernat.

Goodman moved acceptance of the minutes of the regular meeting held August 9, 2002. Seconded.

Adopted upon a voice vote.

Benson moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

## PETITIONS AND COMMUNICATIONS

### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268137)  
Brookfield Saks Lease: Status Report.

### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268138)  
Stone Arch Apartments Project: Final approval to issue, sell and deliver \$3,600,000 adjustable rate multifamily housing revenue bonds.  
PLANNING COMMISSION/DEPARTMENT (268139)  
Lease Agreement: Execute with Hennepin County Regional Railroad Authority for site of Columbia Park Neighborhood Gateway.

### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268140)  
Grant Park and Unocal Projects: Waive City's administrative fee for tax increment financing.

### **ELECTIONS (See Rep):**

ELECTIONS DEPARTMENT (268141)  
2002 Elections: Designation of new polling place for Ward 3, Precinct 2.

**HEALTH AND HUMAN SERVICES:**

CIVIL RIGHTS (268142)

Civil Rights Conference: Update on Community Summit held June 27, 2002 entitled "Speak Out, Be Heard, Take Action!".

**HEALTH AND HUMAN SERVICES (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (268143)

Health Care Trainees: Execute contract with Hennepin County to provide employment and training services for incumbent and unemployed workers.

Achieve!Minneapolis: Amend Master Contract with Youth Trust to assign the contract to newly formed Achieve!Minneapolis as a result of merger between Youth Trust and Minneapolis Public Schools Foundation.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (268144)

Curfew Truancy Center: Execute contract with Special School District #1 to receive \$100,000 as School District's share of operational costs; and Approve appropriation.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

POLICE DEPARTMENT (268145)

Minnesota Gang Strike Force - Metro Region: Audit/Assessment Report from Police Department's Quality Assurance Unit.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

ATTORNEY (268146)

Lowry Liquor (2426 2nd St NE) and Lowry Laundry (100 Lowry Av NE): Adopt findings in Notice of Complaint; and Approve conditions to be placed upon license.

LICENSES AND CONSUMER SERVICES (268147)

Benz Auto (4056 Washington Av N): Grant Provisional Motor Vehicle Repair Garage License, subject to conditions.

Licenses: Applications.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (268148)

Snow Emergency Analysis Project: Report.

Heritage Park Development: Naming Unnamed Street B to "Earl Craig Way".

2002 Alley Renovation Program: Establish uniform assessment rates for 2002.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (268149)

Bids: OP #5921, low bid of Collins Electrical System, for installation of traffic signal loop detectors; OP #5917, qualifying low bid of Gunderson Brothers Cement Construction Company Inc., for sidewalk construction for Heritage Park Project; OP #5916, low bid of Brent Anderson Associates, for earthwork and membrane installation; OP #5898, low bid of Simplex Grinnell LP, for alarm system expansion.

Bid: OP #5919, accept low bid of Kumar Mechanical, Inc., upgrade of HVAC system for Minneapolis Fire Station #4.

Hiawatha Light Rail Transit: Agreement with Metropolitan Council for redesign of 46th St west of Trunk Highway 55.

Storm Sewer Tunnel Outlet: Cooperative agreement with MnDOT on shoreline and erosion repair construction at the Mississippi River adjacent to Interstate 35W.

**WAYS AND MEANS BUDGET:**

COORDINATOR (268150)

Greater Minneapolis Convention and Visitors Association: Quarterly Performance Report.

ESTIMATE AND TAXATION (268151)

Departmental Review of Cash Controls: Internal Audit Report.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (268157)

Enforcement of Violation Notice to Time Warner: Set public hearing to consider violation.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (268153)

Legal Expenses: Payment to Frederic Bruno and Associates on behalf of Officers Lance LaRon Ahlrich, Hein Dinh, James Jensen, Vicki Karnik, Joel Kimmerle, Michael McCarthy and Justin Merten.

Legal Settlements: Claims of Shayla Washington and Eleanor Hyatt.

CONVENTION CENTER (268154)

Convention Center Expansion Project Construction Change Orders: Change orders to contracts with Schindler Elevator Corporation and Merrimac Construction.

COORDINATOR (268155)

Hope Community Court Project: Authorize transfer of Empowerment Zone funds to be administered by the Minneapolis Community Development Agency.

FINANCE DEPARTMENT (268156)

Truth in Taxation and 2003 Budget Adoption Hearing Schedule.

HUMAN RESOURCES (268152)

Reclassifications: Engineering Technician I, II and III and Supervisor, Planning.

**ZONING AND PLANNING:**

INSPECTIONS/BOARD OF ADJUSTMENT (268158)

Appeals:

Jordan Kushner, for Selwin Ortega (2920 Bloomington Ave S & 2933-15th Ave S): Appeal re denial of appeal of zoning administrator to classify the properties as motor vehicle storage lots, w/Attachments.

**ZONING AND PLANNING (See Rep):**

HERITAGE PRESERVATION COMMISSION (268159)

HPC: Reappointments of Linda Messenger, Virginia Housum & Robert Glancy.

PLANNING COMMISSION/DEPARTMENT (268160)

Simpson Housing Services (1900-11th Ave S): Interim use permit for overnight shelter accessory to church.

Rezoning:

Vera Matich (2921 Elliot Ave S); Brighton Development, for Lofts on Arts Avenue (1817, 1821, 1823 & 1829-3rd Ave S);

Abbott Northwestern Hospital (800-28th St E).

Central & Lowry Area Pedestrian Overlay District: Ordinance amending Title 20, Chapter 511, to require the replacement of building stories when an existing building is altered or replaced.

Vacation:

Mpls Public Housing Authority (Part of 18th Ave, 137 feet, from 7th St to Cedar Ave S).

**PLANNING COMMISSION:**

ABBOTT NORTHWESTERN HOSPITAL (268161)

Permission to vacate 6" water main and 12" brick sanitary sewer under vacated Elliot Av.

**FILED:**

CITY CLERK/SPECIAL PERMITS (268162)

2nd St N, 222 (Lappin Lighting MN) sidewalk sale;

2nd St S, 708 (Sign Source) sign;

7th St S, 906 (Paula Carter) tent;

28th St E, 615 (Martin Orensten) sign;

Olson Memorial Highway, 1315 (Topline Advertising Inc) sign;

Peavey Plaza, (Minneapolis Downtown Council) 2nd Annual Craft Brewer's Association Beer Tasting;

Plymouth Av N, 2100 (Richard Bell) pony.

CITY COUNCIL (268164)

Heritage Park Development: Attachment relating to naming Unnamed Street B "Van White Memorial Boulevard". (See T&PW Resolution 2002R-292).

MINNESOTA STATE OFFICES - DEPT OF TRANSPORTATION (268163)

Commissioner of Transportations' Order re: Revocation of Municipal State Aid Streets.

**REPORTS OF STANDING COMMITTEES**

The **CLAIMS** Committee submitted the following report:

**Claims** - Your Committee, having under consideration a claim filed against the City by Bobby Moenck, 1526 Dupont Av N, regarding property damage and vehicle towing, now recommends payment of \$188.89 to Mr. Moenck.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution, authorizing the issuance, sale and delivery of Adjustable Rate Multifamily Housing Revenue Bonds, and amending the Housing Program to increase the amount of the revenue bonds from \$3,200,000 to \$3,600,000 for the Stone Arch Apartments Project.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to adopt the Resolution authorizing issuance of the 25-year tax increment financing pay-as-you-go note, in the amount of \$3,200,000.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas - Schiff, Lilligren, Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Ostrow.

Nays - Zerby, Johnson Lee.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-290, authorizing the issuance, sale and delivery of Adjustable Rate Multifamily Housing Revenue Bonds, and amending the Housing Program to increase the amount of the revenue bonds from \$3,200,000 to \$3,600,000 for the Stone Arch Apartments Project, was passed August 23, 2002 by the City Council and approved August 28, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-290**

**By Goodman**

**Authorizing the issuance, sale, and delivery of the Adjustable Rate Multifamily Housing Revenue Bonds (Stone Arch Apartments Project), Series 2002, of the City of Minneapolis, payable solely from revenues pledged pursuant to the Indenture; approving the form of and authorizing the execution and delivery of the Bonds and related documents; and providing for the security, rights, and remedies with respect to the Bonds.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals**

1.01. **The City.** The City of Minneapolis, Minnesota (the "City"), is a municipal corporation duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota.

1.02. **Statutory Authorization.** Pursuant to the laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described therein and contemplated thereby by issuing revenue bonds of the City to provide funds to finance the acquisition and construction of a multifamily housing development within the boundaries of the City, and is authorized to enter into any agreements made in connection therewith and pledge those agreements as security for the payment of the principal of, premium, if any, and interest on any such revenue bonds.

1.03. **The Borrower and the Project.** Minneapolis Stone Arch Partners, LLC, a Minnesota limited liability company (the "Borrower"), has proposed that the City issue its Adjustable Rate Multifamily Housing Revenue Bonds (Stone Arch Apartments Project), Series 2002 (the "City Bonds" or the "Bonds"), in an original aggregate principal amount not to exceed \$3,600,000. The proceeds derived from the issuance and sale of the City Bonds will be loaned by the City to the Borrower, to provide funds to finance: (i) a portion of the costs of developing, acquiring, constructing, equipping and making related improvements to a two hundred and twenty-one (221) unit multifamily housing development comprised of two buildings to be located at 600 and 625 Main Street SE and 106 Sixth Avenue SE in the City (the "Project"); (ii) the funding of capitalized interest and certain reserves with respect to the Bonds and the Project; and (iii) the payment of the costs of issuing the Bonds. The total costs of the Project exceed \$32,800,000. The costs of the Project in excess of the funds to be provided from the proceeds of the City Bonds will be financed with the proceeds of the Multifamily Housing Revenue Bonds (Stone Arch Apartments Project), Series 2002 (the "Initial Authority Bonds"), issued by Hennepin County Housing and Redevelopment Authority (the "Authority") on May 8, 2002, in the original aggregate principal amount of \$20,120,000. The Initial Authority Bonds are expected to be refunded through the issuance of Adjustable Rate Multifamily Housing Revenue Refunding Bonds (Stone Arch Apartments Project), Series 2002 (the "Authority Bonds"), to be issued by the Authority in the original aggregate principal amount of \$20,120,000.

1.04. **Public Hearing.** On August 12, 2002, the Community Development Committee of the City Council of the City conducted a public hearing regarding the Program for the Financing of a Multifamily Rental Housing Development (the "Housing Program"), the Project, and the issuance of the City Bonds pursuant to the requirements of the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), after publication of a notice of such public hearing in a newspaper of general circulation in the City at least fifteen days prior to the public hearing.

**Section 2. Terms of the Bonds.**

2.01. **The Bonds.** The Bonds will be issued under a Trust Indenture, dated on or after September 1, 2002 (the "Indenture"), between the City and LaSalle Bank National Association, a national banking association, or another trustee recommended by the Borrower and approved by the Finance Officer of the City (the "Trustee"). The principal of, premium, if any, and interest on the Bonds: (i) shall be payable solely from the revenue pledged therefor; (ii) shall not constitute a debt or a general or moral obligation of the City within the meaning of any constitutional or statutory

limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against the City's general credit or taxing powers; and (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Project. The Bonds are proposed to be secured with an irrevocable direct-pay letter of credit to be initially issued by Midway National Bank, a national banking association (the "Bank"), which in turn is to be secured by an irrevocable standby letter of credit to be issued by the Federal Home Loan Bank of Des Moines (collectively, the "Letter of Credit"). Upon meeting certain criteria set forth in the Indenture and related documents, the Letter of Credit will be replaced by a Direct Pay Irrevocable Transferable Credit Enhancement Instrument (the "Credit Instrument") issued by Fannie Mae, a corporation organized and existing under the Federal National Mortgage Association Charter Act, 12 U.S.C. Sections 1716 *et seq.* ("Fannie Mae").

2.02. **The Loan.** The City will loan the proceeds derived from the issuance and sale of the Bonds to the Borrower pursuant to the terms of a Financing Agreement, dated on or after September 1, 2002 (the "Financing Agreement"). The loan repayments to be made by the Borrower under the Financing Agreement are fixed to produce revenue sufficient to provide for the prompt payment of the principal of, premium, if any, and interest on the Bonds. The Financing Agreement also provides that the Borrower is required to: (i) pay all costs of issuing the Bonds, substituting the Credit Instrument for the Letter of Credit, and remarketing the Bonds; (ii) pay all fees, costs, and expenses of the City, the Trustee, and any tender agent, remarketing agent, and rebate analyst; and (iii) indemnify the City, the Trustee, any tender agent, and their respective officers, directors, agents, officials, employees, and, as to the City, the members of the City Council of the City, with respect to any losses, claims, damages, liabilities and expenses related to the Bonds and the Project. Certain representations and covenants are to be made by the Borrower pursuant to the terms of the Financing Agreement with respect to the Bonds and the Project. The City will assign its interests in the Financing Agreement, except for the City's rights to certain fee payments, indemnification, and rights to reimbursement of certain expenses to the Trustee under the terms of the Indenture.

2.03. **Security.** The Letter of Credit will be issued pursuant to the terms of a Reimbursement Agreement, dated on or after September 1, 2002 (the "Bank Reimbursement Agreement"), between the Borrower and the Bank. The Borrower will secure its obligations to the Bank pursuant to the Bank Reimbursement Agreement with the instruments and documents required by the terms of the Bank Reimbursement Agreement. The Credit Instrument will be issued pursuant to the terms of a Reimbursement Agreement, dated on or after September 1, 2002 (the "Fannie Mae Reimbursement Agreement"), between the Borrower and Fannie Mae. The Borrower will secure its obligations to Fannie Mae pursuant to the Fannie Mae Reimbursement Agreement with the instruments and documents required by the terms of the Fannie Mae Reimbursement Agreement.

2.04. **Affordable Housing Standards.** Pursuant to the requirements of Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code"), in accordance with an election of the City, at least twenty percent (20%) of the units in the Project will be occupied or held vacant and available for occupancy by persons and families whose income is fifty percent or less of area median gross income as determined by the Borrower from time to time consistent with the requirements of Section 142(d) of the Code and applicable regulations. In addition, pursuant to the requirements of Section 462C.05, subdivision 2, of the Act, the Project will be designed to be affordable by persons and families with adjusted gross income not in excess of the limits set forth in Section 462C.03, subdivision 2, of the Act and by other persons and families in order to further the policy of economic integration stated in Minnesota Statutes, Section 462A.02, subdivision 6, as amended. To ensure compliance with such occupancy restrictions, an Amended and Restated Regulatory Agreement, dated on or after September 1, 2002 (the "Regulatory Agreement"), is to be executed and delivered by the City, the Authority, the Borrower and the Trustee.

2.05. **Documents.** Forms of the following documents have been submitted to the City and are now on file with the City: (i) the Indenture; (ii) the Financing Agreement; (iii) the Regulatory Agreement; and (iv) a Bond Purchase Agreement, dated on or after September 1, 2002 (the "Bond Purchase Agreement"), between the City, the Borrower, and the U.S. Bancorp Piper Jaffray Inc., as the underwriter of the Bonds (the "Underwriter").

**Section 3. Issuance of Bonds.**

**3.01. Findings and Approvals.** The City Council of the City hereby finds, determines, and declares that:

(a) The issuance and sale of the Bonds, the execution and delivery by the City of the Indenture, the Financing Agreement, the Regulatory Agreement, and the Bond Purchase Agreement, and the performance of all covenants and agreements of the City contained in the Indenture, the Financing Agreement, the Bond Purchase Agreement, and the Regulatory Agreement are (i) authorized by the Act, (ii) consistent with the purposes of the Act, and (iii) further a public purpose and are in the interests of the City.

(b) A public hearing was held with respect to the Project and the Housing Program on August 12, 2002, after publication of a notice of such public hearing on July 27, 2002, in *Finance and Commerce*, the official newspaper and a newspaper of general circulation in the City, with respect to: (i) the required public hearing under Section 147(f) of the Code; (ii) the Housing Program; and (iii) the approval of the issuance of the Bonds. The City submitted the Housing Program to the Metropolitan Council for review and comment. The Housing Program is hereby ratified and approved.

(c) Pursuant to the terms of Sections 142(a)(7) and 142(d) of the Code, the Bonds are an issue of "exempt facility bonds" ninety-five percent or more of the net proceeds of which are to be used to provide a "qualified residential rental project." Interest on the Bonds will not be excludable from gross income for federal income tax purposes unless such obligations are allocated a portion of the volume cap of the State of Minnesota in accordance with the requirements of Section 146 of the Code and applicable provisions of Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"). The City hereby allocates to the Bonds and the Project a portion of the "entitlement issuer allocation" granted by Section 474A.03, subdivision 2a(a)(2), of the Allocation Act in the amount of \$3,600,000. The applicable provisions of Section 474A.047 of the Allocation Act shall be incorporated into the Regulatory Agreement and imposed upon the Borrower and the Project. The City and the Borrower are to cooperate in the submission of any required application, application fee, and other filings with the Minnesota Department of Finance pursuant to the provisions of the Allocation Act and Section 146 of the Code.

**3.02. Authorization.**

(a) The City Council of the City, for the purposes set forth above, hereby authorizes the issuance, sale, and delivery of the Bonds, in an original aggregate principal amount not to exceed \$3,600,000. All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall be substantially in the form set forth in the Indenture, with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof (including changes to the maturity dates of the principal of the Bonds and the principal amount of the Bonds maturing on such maturity dates, the determination of the interest rates on the Bonds, changes to the terms of redemption of the Bonds), as the Mayor and Finance Officer, in their discretion, shall determine, and the execution thereof by the Mayor, Finance Officer, and City Clerk shall be conclusive evidence of such determination.

(b) The City Council of the City, for the purposes set forth above, hereby approves the Indenture, the Financing Agreement, the Bond Purchase Agreement, and the Regulatory Agreement in substantially the forms on file with the City on the date hereof, with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, as the Mayor and Finance Officer, in their discretion, shall determine, and the execution thereof by the Mayor, Finance Officer, and City Clerk shall be conclusive evidence of such determination. The Mayor, Finance Officer, and City Clerk are authorized and directed to execute and deliver, on behalf of the City, the Indenture, the Financing Agreement, the Bond Purchase Agreement, the Regulatory Agreement, and such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including UCC-1 financing statements, a tax compliance certificate (including certifications as to arbitrage and rebate matters under Section 148 of the Code), the required Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. January 2002), and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds (the "City Documents"). Copies of all

City Documents and all other documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein, in the Financing Agreement and in the Indenture. All of the provisions of the City Documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

(c) The City Council of the City, for the purposes set forth above, hereby authorizes the execution and delivery by the Mayor, Finance Officer, and City Clerk, in their discretion, of any documents reasonably required by the Bank, the Federal Home Loan Bank of Des Moines, or Fannie Mae in conjunction with the execution and delivery of the Letter of Credit or the Credit Instrument. The City Council of the City, for the purposes set forth above, hereby authorizes the execution and delivery by the Mayor, Finance Officer, and City Clerk, in their discretion, of any documents which are requested by bond counsel to be executed and delivered by the City in conjunction with the issuance of the Bonds or the execution and delivery of the Letter of Credit or the Credit Instrument.

**3.03. Special, Limited Obligations.** The Bonds shall be special, limited revenue obligations of the City, and the proceeds derived from the issuance and sale of the Bonds shall be disbursed pursuant to the terms of the Indenture, the Financing Agreement, and any disbursing agreements executed and delivered for the purpose of providing for the appropriate disbursement of the proceeds of the Bonds. The principal of, premium, if any, and interest on the Bonds shall be payable solely from the proceeds of the Bonds and the revenues derived from the Financing Agreement, the Letter of Credit, the Credit Instrument, and the other sources expressly pledged pursuant to the terms of the Indenture.

**3.04. Limitations on Agreements of the City.** All covenants, stipulations, obligations, representations, and agreements of the City contained in this resolution or the other documents referred to above shall be deemed to be the covenants, stipulations, obligations, representations, and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations, representations, and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred, and duties and liabilities imposed upon the City by the provisions of this resolution or the other documents referred to above shall be exercised or performed by the City, or by such officers, board, body, or agency as may be required or authorized by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation, representation, or agreement herein contained or contained in the documents referred to above shall be deemed to be a covenant, stipulation, obligation, representation, or agreement of any officer, agent, or employee of the City in that person's individual capacity, and neither the members of the City Council of the City nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Except as herein otherwise expressly provided, nothing in this resolution or in the documents referred to above, expressed or implied, is intended or shall be construed to confer upon any person, firm, or corporation other than the City and the Trustee, as fiduciary for owners of the Bonds, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision hereof or of the documents referred to above or any provision thereof; this resolution, the documents referred to above and all of their provisions being intended to be, and being for the sole and exclusive benefit of the City and the Trustee, as fiduciary for owners of the Bonds issued under the provisions of this resolution and the Indenture, and the Borrower to the extent expressly provided in the Indenture.

No provision, covenant or agreement contained in this resolution, the documents referred to above, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Financing Agreement which are to be applied to the payment of the Bonds, as provided therein and in the Indenture.



3.05. **Disclosure Documents.** The City has not participated in the preparation of any disclosure document with respect to the Bonds, including the Official Statement relating to the Bonds (the "Official Statement") and has made no independent investigation with respect to the information contained therein, including the Appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. Subject to the foregoing, the City hereby consents to the distribution and the use by the Underwriter in connection with the sale of the Bonds of the Official Statement. The Official Statement is the sole document consented to by the City for use in connection with the offer and sale of the Bonds.

3.06. **Severability.** In case any one or more of the provisions of this resolution, other than the provisions contained in the first sentence of Section 3.03 hereof, or of the City Documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the City Documents, or of the Bonds, but this resolution, the City Documents, and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein.

3.07. **Recital in Bonds.** The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist and be performed precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

3.08. **Validity.** The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the City Documents, and the Bonds for the full, punctual and complete performance of all the terms, covenants and agreements contained in the Bonds, the City Documents and this resolution. In the event that for any reason the Mayor, Finance Officer, or City Clerk of the City is unable to carry out the execution of any of the documents or other acts provided herein, any other elected official, officer, or employee of the City delegated to act in lieu of the Mayor, Finance Officer, or City Clerk shall be authorized to act in the capacity of the Mayor, Finance Officer, or City Clerk and undertake such execution or acts on behalf of the City with full force and effect, which execution or acts shall be valid and binding on the City.

3.09. **Effective Date.** This resolution shall be in full force and effect from and after its approval and publication.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas - Schiff, Lilligren, Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Ostrow.

Nays - Zerby, Johnson Lee.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Lease Agreement #18315 with the Hennepin County Regional Railroad Authority, as lessor, and the City, as lessee, for the site of the Columbia Park Neighborhood Gateway, for a period of five years, from September 1, 2002 through August 31, 2007, for a total amount not to exceed \$5 (\$1 per year), payable from the Capital Improvement - Non-Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9707).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request for concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to grant a waiver of the City's 3.0% administrative fee for costs incurred in administering the tax increment financing (TIF) district for the Grant Park and Unocal Projects, due to restrictions imposed by State law requiring that expenditures meet very specific eligibility parameters, and the difficulty extracting and verifying appropriate charges from combined costs; and

Further, having under consideration the recommendation that this action be transmitted to the Board of Commissioners of the MCDA to approve the MCDA resolution authorizing issuance of taxable tax increment revenue notes for said project, in an amount not to exceed \$10,000,000; now recommends:

**Comm Dev** - that this matter be approved.

**W&M/Budget** - that this matter be sent forward without recommendation.

Goodman moved to amend the report to delete the recommendation of the Ways & Means/Budget Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 27, 2002)

The **ELECTIONS** Committee submitted the following report:

**Elections** - Your Committee recommends approval of designation of the First Congregational Church of Minnesota, 500 8<sup>th</sup> Avenue SE as the polling place for Ward 3, Precinct 2, replacing Andrew Riverside Presbyterian Church, 729 4<sup>th</sup> Street SE, for all elections in the remainder of 2002 as set forth in Petn No. 268141 on file in the office of the City Clerk in accordance with Chapter 2, Section 6, of the Charter of the City of Minneapolis.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute a contract with Hennepin County to provide up to \$168,000 to the City of Minneapolis for case management services for health care trainees for incumbent and unemployed workers during the period July 1, 2002 through March 15, 2004.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to amend Master Contract #16973 with Youth Trust to assign the contract to the newly formed Achieve!Minneapolis, which was formed with the merger between Youth Trust and the Minneapolis Public Schools Foundation, with all services previously contracted for by the City with Youth Trust to continue with Achieve!Minneapolis.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed August 23, 2002.  
Approved August 28, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**H&HS & W&M/Budget** - Your Committee, having under consideration the operation of the Curfew Truancy Center, now recommends that the proper City Officers be authorized to execute a contract with Minneapolis Public Schools, Special School District #1, to receive \$100,000 as the School District's share of operating costs during the period July 1, 2001 through June 30, 2003.

Your Committee further recommends passage of the accompanying Resolution appropriating \$100,000 to the Health & Family Support Agency to reflect receipt of said funds.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed August 23, 2002.  
Approved August 28, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-291**  
**By Johnson Lee and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8605) by \$100,000 and increasing the Revenue Source (060-860-8605 - Source 3720) by \$100,000.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed August 23, 2002.  
Approved August 28, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of Yellow Lantern LLC, dba The Steak Knife, 1327 4th St SE for an On-Sale Wine Class E with Strong Beer License (change in ownership from Laila's Ethnic Foods Inc) to expire April 1, 2003, now recommends that said license be sent forward without recommendation.

Zerby moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof "granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted upon a voice vote.  
The report, as amended, was adopted.  
Yeas, 11; Nays none.  
Declining to vote - Benson.  
Absent - Biernat.  
Passed August 23, 2002.  
Approved August 23, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published August 27, 2002)

**PS&RS** - Your Committee, having under consideration the application of Benz Auto Inc, dba Benz Auto, 4056 Washington Av N, for a Motor Vehicle Repair Garage License to expire September 1, 2002, now recommends that a Provisional License be granted, subject to the following conditions:

- a. all motor vehicle repair and service shall be done inside the building in accordance with Section 540.1050(3) of the Minneapolis Code of Ordinances;
  - b. no customer, employee vehicles or tow trucks will be parked on the street;
  - c. no parking in other businesses' private parking lot without a signed lease agreement;
  - d. all vehicles parked in the parking lot should be orderly and allow a passable lane;
  - e. the designated five spots for the business will be striped and marked on the asphalt "Benz Auto Only" or have a professional sign in front of the spot stating "Benz Auto Only", to be completed by July 25, 2002;
  - f. the licensee will contact a private towing company to remove all unauthorized vehicles, and tow company signs will be clearly posted by July 1, 2002;
  - g. business hours shall not exceed 9:00 a.m. to 9:00 p.m.;
  - h. all refuse, including parts, metal, scrap and tires shall be stored inside the building in accordance with Section 317.100 of the Minneapolis Code of Ordinances;
  - i. the licensee will immediately clean the area of all current parts, debris, and trash, and will provide an adequate dumpster with a closeable lid for legal garbage which will be emptied weekly;
  - j. the property will be cleaned of litter and trash daily including the area within 100 feet of the property lines;
  - k. "No Trespassing" signs will be posted, and staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive;
  - l. the licensee will comply with all Environmental Management requirements and orders;
  - m. the licensee will comply with all Fire Department requirements and orders;
  - n. the licensee will comply with all Zoning site plan requirements and will meet with Zoning staff by July 12, 2002;
  - o. the licensee will pay all fees and fines by their due dates;
  - p. if agreed by the landlord and the lumber company, the licensee will chain off the lot at night to prevent illegal activity and dumping;
  - q. in the licensee's rented storage space adjacent to Acrylic Fabricators, all cars will be parked in an orderly fashion, with no spare parts or debris in the area, to be completed by June 25, 2002. Also, all cars must be intact, not missing hoods or doors;
  - r. final inspection and compliance with all provisions of applicable codes and ordinances.
- Johnson moved that the report be postponed. Seconded.  
Adopted upon a voice vote.

**PS&RS** - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire October 1, 2003**

Brothers Greer Inc, dba Witt's Liquors, 19 S 7th St;  
Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av;  
Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE;  
Skol Inc, dba Skol Liquors, 2500 27th Av S;  
Meka Corp, dba Minnehaha Liquor Store, 2613 E Lake St;  
JPOC Inc, dba Union Liquor Store, 3219 Penn Av N;  
East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St;  
Camden Liquors Inc, dba Camden Liquors, 4155 Lyndale Av N;  
McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2003**

Loring Park Associates, dba Hyatt Regency Minneapolis, 1300 Nicollet Mall (new manager);

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2003**

Brinda-Heilicher of Minneapolis Inc, dba Williams Pub & Peanut Bar, 2911 Hennepin Av (expansion of premises to include sidewalk cafe);

Yendor Corp, dba Augies, 424 Hennepin Av;

Kelber Catering Inc, dba Kelber Catering Inc, 1301 2nd Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire August 17, 2002**

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (temporary expansion of premises, August 17, 2002, 5:00 p.m. to Midnight);

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, August 17, 2002, 5:00 p.m. to 1:00 a.m., Lagaard/Shively Wedding Reception);

**On-Sale Liquor Class A with Sunday Sales, to expire August 22, 2002**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, August 22, 2002, 5:00 p.m. to 9:00 p.m., National Kitchens & Bath);

**On-Sale Liquor Class A with Sunday Sales, to expire August 24, 2002**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, August 24, 2002, 5:00 p.m. to 1:00 a.m., Parker/Smith Wedding);

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2003**

Old Chicago of Colorado Inc, dba Old Chicago, 510 1st Av N #SF-508;

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, downstairs;

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av;

Seven Corners Hotel Partners Ltd, dba Holiday Inn Metrodome, 1500 Washington Av S;

Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av;

**On-Sale Liquor Class B with Sunday Sales, to expire July 20, 2003**

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE (temporary expansion of premises, July 20, 2002, 10:00 a.m. to 9:00 p.m. in parking lot);

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2003**

Stardust Lanes Inc, dba Stardust Lanes, 2520 26th Av S (new manager);

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2003**

Sirian Enterprises, dba Lees Liquor Bar, 101 Glenwood Av;

Margarita Bella Inc, dba Margarita Bella, 1032 3rd Av NE;

**On-Sale Liquor Class B with Sunday Sales, to expire October 12, 2002**

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE (temporary expansion of premises with outdoor entertainment, September 20, 21, 27 & 28, 2002 and October 4, 5, 11 & 12, 2002, 5:00 p.m. to 11:00 p.m., Oktoberfest);

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2003**

Poodle Inc, dba Poodle, 3001 E Lake St;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2003**

Keegans Pubs LLC, dba Keegan's Pub, 16 University Av NE (temporary expansion of premises with outdoor entertainment, September 14, 2002, 2:00 p.m. to 10:30 p.m. and September 16, 2002, 7:00 p.m. to 10:00 p.m.);

**On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2003**

It's Greek to Me Inc, dba It's Greek to Me, 626 W Lake St;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2003**

Loring Pasta Bar LLC, dba Loring Pasta Bar, 325 14th Av SE;

Little Wagon Co Inc, dba Little Wagon, 418 S 4th St;

**On-Sale Liquor Class D with Sunday Sales, to expire October 1, 2003**

SB Food Services Inc, dba Jewel of India, 1427 Washington Av S;

**On-Sale Liquor Class E with Sunday Sales, to expire August 10, 2002**

Fossland-Olson Inc, dba 1029 Bar, 1029 Marshall St (temporary expansion of premises with outdoor entertainment, August 10, 2002, 1:00 p.m. to 10:00 p.m.);

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2003**

Win-Vee Inc, dba Country Bar & Grill, 3006 Lyndale Av S;

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2003**

Irv's Bar Inc, dba Irv's Bar, 201 W Broadway;

Chevy's Uno LLC, dba Chevy's Fresh-Mex, 701 Hennepin Av;

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2003**

Goodfellow's LLP, dba Goodfellow's, 40 S 7th St;

Zou Zou Inc, dba Cafe Un Deux Trois, 114 S 9th St, Foshay Tower;  
Morton's of Chicago/Mpls Inc, dba Morton's of Chicago, 555 Nicollet Mall;  
McCormick & Schmick Restaurant Corp, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall;

RCSH Operations Inc, dba Ruth's Chris Steak House, 920 2nd Av S;  
Vegas Inc, dba Vegas Lounge, 965 Central Av NE 1st floor;  
Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001 Lyndale Av S;  
Schooner Inc, dba Schooner, 2901 27th Av S 1st floor;

**On-Sale Liquor Class E, to expire April 1, 2003**

Jetset Inc, dba Jetset Bar, 115 1st St N;

**On-Sale Liquor Class E, to expire October 1, 2003**

Di Napoli Lounge Inc, dba Di Napoli Lounge, 814 Hennepin Av;  
Halek's Inc, dba Halek's Bar, 2024 Washington Av N;

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2003**

ALLM Restaurant Inc, dba Art Institute International Minnesota, 15 S 9th St (new corporate officer);

**Temporary On-Sale Wine**

De LaSalle High School, dba De LaSalle High School, 1 De LaSalle Dr (August 17, 2002, 5:00 p.m. to 8:00 p.m., Alumni Weekend; Licensed Facilitator: Cuzzy's);

**Temporary On-Sale Beer**

East Side Neighborhood Services, dba East Side Neighborhood Services, 1700 2nd St NE (August 25, 2002, Noon to 9:00 p.m.);

Church of All Saints, dba Church of All Saints, 435 4th St NE (September 8, 2002, 11:00 a.m. to 6:00 p.m., Fall Festival).

Adopted. Yeas, 11; Nays none.

Declining to vote - Benson.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of August 23, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268147):

Building Contractor Class B; Cement Finishing Contractor; Concrete Masonry Contractor Class A; Concrete Masonry Contractor Class B; Residential Specialty Contractor; Place of Entertainment; Caterers; Confectionery; Food Distributor; Farm Produce Permit Non-Profit; Grocery; Indoor Food Cart; Food Manufacturer; Meat Market; Drive In Food; Restaurant; Food Shelf; Short Term Food Permit; Sidewalk Cafe; Vending Machine; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Horse and Carriage; Lodging House; Motor Vehicle Dealer - Used Only; Motor Vehicle Dealer - Additional Lot; Motor Vehicle Repair Garage; Pet Shop; Plumber; Precious Metal Dealer; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Swimming Pool - Public; Tattooist/Body Piercer; Theater Zone I; Tobacco Dealer; Combined Trades; Transient Merchant; Tree Servicing; and Wrecker of Buildings Class B.

Adopted. Yeas, 11; Nays none.

Declining to vote - Benson.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Lawful Class A**

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Pulltabs, Raffle & Bingo October 4, 5 & 6, 2002 at Risen Christ School, 3800 Pleasant Av S);

**Gambling Lawful Exempt**

Finnfest USA 02 - Minnesota, dba Finnfest USA 02 - Minnesota, 2147 University Av W, St. Paul (Raffle August 7, 8, 9, 10 & 11, 2002; Drawing August 11, 2002 at University of Minnesota TC Fieldhouse, 1900 University Av SE);

St. John the Baptist Byzantine Catholic Church, dba St. John the Baptist Byzantine Catholic Church, 2215 3rd St NE (Bingo, Raffle, Paddlewheel & Pulltabs October 20, 2002 at Church Hall, 2201 3rd St NE);

Womenventure, dba Womenventure, 2324 University Av, St. Paul (Raffle November 1, 2002 at Convention Center);

Zonta Club of Minneapolis Service Fund Inc, dba Zonta Club of Minneapolis Service Fund Inc, 7640 Winnetka Hts Dr, Golden Valley (Raffle November 10, 2002 at International Market Square, 275 Market St);

Elf Foundation, dba Elf Foundation, 3535 E Coast Hwy #117, Corona Del Mar, CA (Raffle September 28, 2002 at Convention Center, 1301 2nd Av S);

Ducks Unlimited Nordeast Chapter 202, dba Ducks Unlimited Nordeast Chapter 202, 2414 Central Av NE (Raffle September 12, 2002 at Jax Cafe, 1928 University Av).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration Taxicab Driver's License #05520 held by Abdi M. Dolaal, 1415 E 22nd St #907, and having received notification that the licensee has agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating the Minneapolis Taxicab Ordinance by abusing and insulting a passenger and failing to file trip sheets, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine of \$100 to the City of Minneapolis.

b. that the licensee be suspended for three days.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration Taxicab Driver's License #04242 held by James L. Cassi, 6985 County Rd 33, New Germany, and having received notification that the licensee has agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating the Minneapolis Taxicab Ordinance by parking his taxicab unattended in a bus stop; refusing to comply with a police officer; not having a current tripsheet; for wearing a sweatshirt with a ragged top; and for failure to display his taxicab driver's license, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine of \$100 to the City of Minneapolis.

b. that the licensee be called out of service for seven days.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Trade Licenses held by St. Paul Plumbing and Heating Co, 640 Grand Av, St. Paul, and having received notification that the licensee has agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for operating without a proper Heating, Air Conditioning and Ventilation license, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee will employ a master heating, air conditioning and ventilation installer, before August 31, 2002, and agree to apply for a heating, air conditioning and ventilation license before August 31, 2002.

b. the licensee will obtain permits for all work performed in the City of Minneapolis prior to the issuance of their license. The licensee will obtain their own permits for addresses where Air Flow Systems obtained permits. The City of Minneapolis agrees to allow St. Paul Plumbing and Heating until September 30, 2002 to correct work and obtain permits for the work previously done. After September 30, 2002, any work discovered done before the issuance of the license, but not permitted, will be subject to a double permit fee and a \$100 administrative fine.

c. the licensee agrees to correct all Code violations on work performed prior to the signing of said TAC agreement by September 30, 2002. The License and Inspections Divisions agree to forgo citations for Code violations until September 30, 2002 to allow the contractor time to make corrections after obtaining the license. The licensee can apply for an extension of the September 30th deadline if they show good cause to extend the deadline.

d. the licensee agrees to pay an administrative fine of \$1,000. Said fine can be waived pending completion of a comparable amount of free work for an indigent Minneapolis resident. The resident must have current inspection orders to correct heating work and be unable to financially pay for the correction work. Licenses, in conjunction with the Senior Ombudsman's Office, will determine the homeowner who is eligible for the free work.

e. the licensee understands that in the future they will obtain all necessary permits and licenses before performing any work in the City of Minneapolis.

f. the City of Minneapolis agrees to issue a Heating, Air Conditioning and Ventilation license to St. Paul Plumbing and Heating after all license application requirements are met. The City of Minneapolis agrees that it will not discriminate against St. Paul Plumbing and Heating in the enforcement of rules and Codes regarding permits, licenses and inspections.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the business licenses held by Lowry Liquor Store Inc, 2426 2nd St NE and Lowry Laundry, 100 Lowry Av NE, and having held a hearing to determine what adverse action should be taken against said licenses, now recommends adoption of the findings as set forth in the Notice of Complaint (Petn No 268146) on file in the Office of the City Clerk, and adoption of the following conditions to be placed on the business licenses for Lowry Liquor and Lowry Laundry:

1. the owner of Lowry Liquor and Lowry Laundry ("owner") will comply with all housing and fire codes and ordinances. Any and all written orders must be completed by their due date.

2. the owner and employees of Lowry Liquor and Lowry Laundry will comply with all statutes of the State of Minnesota and ordinances of the City of Minneapolis.



3. the owner and employees of Lowry Liquor and Lowry Laundry will call 911 when necessary to address illegal activity on the premises.

4. the owner and employees of Lowry Liquor and Lowry Laundry will cooperate with and assist the police when they respond to calls at the businesses.

5. the owner and employees of Lowry Liquor and Lowry Laundry will patrol and monitor the business property to assure that there is no conduct on the property that would constitute a criminal nuisance. Conduct constituting a criminal nuisance would include, but not be limited to, selling or purchasing of controlled substances, prostitution, gambling, weapons violations, public consumption of alcohol, public inebriation, unlicensed sale or gifts of alcoholic beverages and disorderly conduct.

6. the owner will post notices on the property prohibiting trespassing in a form and manner approved by the Minneapolis Police Department and will assure that the notices remain posted on the premises.

7. the owner will issue trespass notices to any person involved in criminal behavior at the businesses. The owner will call 911 when it is necessary to remove persons that do not obey the trespass order.

8. the owner will not allow anyone to live at or unlawfully gather at the businesses. The owner will not allow anyone to gather, congregate or remain on the premises if the person is not conducting legal business with the owner or employees.

9. the owner will personally manage and be present on the business premises unless a professional manager is hired. At a minimum, the owner will maintain office hours on Monday through Saturday from 7:00 p.m. until 10:30 p.m. or the close of business, whichever is earlier.

10. If a professional manager is hired, the manager must comply with the requirements of Section 362.100 of the Minneapolis Code of Ordinances, that include a criminal background check, and providing a written supplement of work and residential history. When a professional manager is approved and hired, the owner will not be required to maintain evening office hours. The professional manager must be present on the business premises during the hours set forth in paragraph "9".

11. the owner will maintain the exterior of the business properties as required by Minneapolis ordinances and remove all trash and debris.

12. the owner will post a daily schedule with date, time and employee who is responsible for the cleanup. The employee will check and initial the list after completing trash and debris removal.

13. the owner will supply licensing with employment records indicating the name, address and work schedule of employees monthly by the 15th of each month.

14. the owner shall pay administrative costs of \$4,000 to partially offset the resources of the City of Minneapolis spent at the business to resolve the issues described above, payable December 31, 2002.

15. Sharon Hansen will not be allowed on the premises of either business.

16. a violation of any of the conditions ordered will constitute good cause to revoke the business license of Lowry Liquor and Lowry Laundry.

Adopted. Yeas, 11; Nays none.

Declining to vote - Benson.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration the subject matter of snow emergencies, now recommends that staff be directed to:

a) Discontinue working on a two-phase plan for Snow Emergencies and instead work to improve the three-phase plan we currently have.

b) Improve communications; specifically investigate the suggestions that were gathered during the analysis and community meetings, i.e. an Internet Phone Tree.

c) Investigate allowing cars to park as soon as a street has been plowed, as they do in St Paul.

d) Further investigate the possibility of extra alley work done at the end of process.

e) Prepare a plan to implement some shared parking lots this winter.

Goodman moved that the report be amended by adding a new Paragraph f) as follows:

"f) further investigate moving cars to nearby already-plowed streets." Seconded.

Adopted upon a voice vote.

Niziolek moved that Paragraph a) of the report be amended to read as follows:

"Continue working on a two-phase plan for Snow Emergencies focusing on:

1. Quality of plowing;

2. Decreased ways of spending dollars for implementation; and

3. Strategies in high-density areas.

Seconded.

Lost. Yeas, 4; Nays, 8 as follows:

Yeas - Zerby, Niziolek, Goodman, Ostrow.

Nays - Schiff, Lilligren, Johnson Lee, Benson, Lane, Johnson, Colvin Roy, Zimmermann.

Absent - Biernat.

Zerby moved that the report be amended by adding Paragraphs g), h) and i) as follows:

"g) Try using blades and blade attachments on plows to prevent driving the snow back into already-plowed driveways.

h) Improve snow removal at intersections, corners and sidewalks so pedestrians can enter intersections, transit shelters and businesses.

i) Plow all streets and neighborhoods from curb to curb.

Seconded.

Benson moved to amend Zerby's motion on Paragraphs g) and h) to read as follows:

"g) Staff is directed to investigate using blades and blade attachments on plows to prevent driving the snow back into already-plowed driveways.

h) Staff is directed to investigate ways to improve snow removal at intersections, corners and sidewalks so pedestrians can enter intersections, transit shelters and businesses."

Seconded.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Schiff, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Ostrow.

Nays - Zerby.

Absent - Biernat.

Benson moved that Zerby's motion, as amended by Benson, be divided so as to consider Paragraph i) separately. Seconded.

Adopted upon a voice vote.

Zerby's motion relating to new Paragraphs g) and h), as amended by Benson, lost.

Yeas, 6; Nays, 6 as follows:

Yeas - Zerby, Lilligren, Niziolek, Benson, Goodman, Ostrow.

Nays - Schiff, Johnson Lee, Lane, Johnson, Colvin Roy, Zimmermann.

Absent - Biernat.

Zerby's motion relating to a new Paragraph i) lost upon a voice vote.

The report, as amended by Goodman, was adopted.

Yeas, 11; Nays, 1 as follows:

Yeas - Schiff, Zerby, Lilligren, Johnson Lee, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Ostrow.

Nays - Niziolek.

Absent - Biernat.

Passed August 23, 2002.

Approved August 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration naming of Unnamed Street B in the Heritage Park Development referred back to Committee by Council on July 26, 2002, now recommends concurrence with the recommendation of the resident naming committee to name said street "Earl Craig Way".

Johnson Lee moved to substitute the following resolution for the above report. Seconded.

The motion to substitute was adopted upon a voice vote.

**RESOLUTION 2002R-292**

**By Johnson Lee, Ostrow, Johnson, Lilligren, Zerby, Niziolek and Schiff**

**Naming the north-south boulevard "Van White Memorial Boulevard"; honoring and celebrating the rich heritage of the Near Northside of Minneapolis.**

Whereas, the history of the Near Northside of Minneapolis reflects the history of the entire City, and became the home of various ethnic and racial groups including:

- Germans and Norwegians during the 1880s and 1890s
- Swedes from the 1880s through the 1950s
- Finns from the 1890s to the 1930s
- Eastern European Jews from the turn of the century through the 1950s
- African-Americans from the 1900s to the present
- More recently Hmong, Somalis and Hispanics

Whereas, residents, institutional, religious, neighborhood and political leaders of the Near Northside have a long history activism that has shaped the area's and the City's future; a partial list of these names is included with this resolution; and

Whereas, the Near Northside was the home of the City's first public housing development — Sumner Field — which opened in 1938 and was followed by three more public housing developments in the 1950s — Olson, Glenwood and Lyndale; and

Whereas, residents of the public housing developments reflected, over time, the diversity of the Near Northside and produced many noted City, State and Federal leaders; and

Whereas, the Heritage Park development will knit back together the street grid reconnecting the former public housing developments to the surrounding neighborhoods; and

Whereas, the north-south boulevard will provide an important, historic connection to the Southside; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the north-south boulevard be named "Van White Memorial Boulevard" to honor Minneapolis' first African-American City Council Member, who served on the City Council from 1980 to 1990; Council Member White grew up in the Sumner Field housing development and had a long history of community involvement, especially in the Willard-Hay area. Council Member White was also a Minneapolis Public Works employee.

Be It Further Resolved that various elements of the Heritage Park development be named for and honor deceased Near Northside residents and leaders; such elements include:

- The City-owned public art elements of the development
- The Minneapolis Park Board's park land elements
- McCormack Baron's and Legacy Management's privately-owned project elements

Be It Further Resolved that we direct the Heritage Preservation Commission to convene a working team including Public Works, Planning, Park Board, MCDA, MPHA, McCormack Baron and Legacy Management, Northside Residents Redevelopment Council and Harrison Neighborhood Association to work with the business community to develop a Heritage Walk as recommended in

the 1999 report *Public History and Interpretive Potential* prepared by the 106 Group; such sites could include:

- The two original locations of the Phyllis Wheatley house (808 Bassett Place and 809 Aldrich Avenue North)
  - The Tifereth B'nai Jacob Synagogue at 808 Elwood Avenue North
  - The Emanuel Cohen Center at 1708 Oak Park Avenue
  - The Oak Park Home for Jewish Children at 1701 Oak Park Avenue
  - The original location of the Sumner Field housing project
  - Plymouth Avenue
  - The intersection of Sixth Avenue North (today's Olson Highway) and Lyndale Avenue North in recognition of the area as a commercial and social center of the neighborhood during the first three decades of this century
  - The Finnish community that developed along Glenwood Avenue between Girard and Penn
  - The Oak Park neighborhood as an example of the cultural diversity of the Near Northside through time
  - The Northwestern Knitting Company (Munsingwear Knitting Company, now International Market Square) as an example of the industrial nature of the neighborhood and as an early employer for many of the area's immigrants
  - The Sumner Branch Public Library for its architectural significance and as a community educational and gathering place
  - The Glendale Seventh Day Adventist Church for its significance to the African-American community
- Be It Further Resolved that this resolution be transmitted to the Park Board, MCDA, MPHA, McCormack Baron, Legacy Management, Northside Residents Redevelopment Council and Harrison Neighborhood Association and that we ask them:
- To provide additional names of community leaders that should be part of this resolution
  - To continue to work together on the Heritage Park development, to identify naming opportunities within the development, and to form an ad-hoc committee to develop the Heritage Walk suggested in this resolution.
  - To prepare biographies of those leaders currently identified and additional names developed. These biographies are to be made available for viewing at Sumner Library.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration a report passed by the Transportation & Public Works Committee on August 1, 2002, now recommends passage and summary publication of the accompanying Resolution establishing a uniform assessment rate for alley renovation improvements for the 2002 calendar year.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2002R-293**

**By Colvin Roy**

**Establishing a uniform assessment rate for alley renovation improvements for the 2002 calendar year.**

Whereas, the City Council adopted a policy on October 31, 1980 establishing a method of assessing similar street improvements and other improvements by uniform assessment rates;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following rate of \$0.02/per abutting square foot is hereby established as the 2002 uniform assessment rate for alley resurfacing and is to be applied to the benefited parcels to determine the assessments for alley resurfacing ordered by the City Council in the 2002 calendar year.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 268149):

a) OP #5921, low bid submitted by Collins Electrical Systems d/b/a ColliSys for an estimated expenditure of \$75,000 to furnish installation of traffic signal loop detectors;

b) OP #5917, qualifying low bid submitted by Gunderson Brothers Cement Construction Company Inc., in the amount of \$183,643.25 for sidewalk construction for the Heritage Park Project;

c) OP #5916, low bid of Brent Anderson Associates, in the amount of \$1,937,950 to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish earthwork and membrane installation for Public Works Water Department; and

d) OP #5898, low bid of Simplex Grinnell LP, in the amount of \$124,360 to furnish and deliver all materials, equipment, labor and incidentals necessary to complete alarm system expansion at the Public Service Center.

Your Committee further recommends that the proper City officers be authorized to execute related contracts in accordance with specifications.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 27, 2002)

**T&PW & W&M/Budget** - Your committee recommends acceptance of the low bid received on OP #5919 (Petn No 268149), submitted by Kumar Mechanical, Inc, in the amount of \$171,200, to furnish and deliver all materials, equipment and incidentals necessary for HVAC upgrades at Fire Station No. 4.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said service, all in accordance with specifications.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 27, 2002)

**T&PW & W&M/Budget** - Your Committee, having under consideration the Hiawatha Light Rail Transit, now recommends that the proper City officers be authorized to execute a Project Funding Agreement #8 with Metropolitan Council providing for payment by the City to the Metropolitan Council of \$104,858.04 reimbursable from Municipal State Aid funds, as the City share of the cost for widening East 46th Street west of Trunk Highway 55.

Your Committee further recommends passage of the accompanying Resolution increasing the Project Appropriation.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-294**  
**By Colvin Roy and Johnson**

**Amending The 2002 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Public Works Paving Construction Capital Agency in the Permanent Improvement Project Fund (4100-937-9372) by \$104,858.04 and increasing the Revenue Source (4100-937-9372 Source 3215) by \$104,858.04.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Storm Sewer Tunnel Outlet Shoreline and Erosion Repair Construction Project, now recommends approval of a Cooperative Agreement between the City and the Minnesota Department of Transportation (MnDOT Agreement No. 83446) for State Project No. 2783-103 pending satisfactory review by the City Attorney's Office. Funds are available to cover the City's participation within the department's Sewer Construction Capital Cost Center Fund (Fund 7300-932-9320). (Petr No 268149).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney for payment of attorneys' fees in the amount of \$1,042.75 to Frederic Bruno & Associates on behalf of Officer Lance LaRon Ahlrich, payable from the Self-Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney for payment of attorneys' fees in the amount of \$8,448.75 to Frederic Bruno & Associates on behalf of Officers Hein Dinh, James Jensen, Vicki Karnik, Joel Kimmerle, Michael McCarthy and Justin Merten, payable from the Self Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney that the following lawsuits be settled:

a) Shayla Washington, by payment of \$1,600 to Shayla and Tony Washington and their attorney Goins & Woods, P.C.

b) Eleanor Hyatt, by payment of \$15,000 to Ms. Hyatt and her attorney, Larry Reed.

Payments are to be made from the Self-Insurance Fund (6900-150-1500-4000). Further, the proper City officers are authorized to execute any documents necessary to effectuate said settlements.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the Hope Community Court Project and having been informed that the Minneapolis Community Development Agency (MCDA) will be acting as recipient of Empowerment Zone (EZ) funds for the rental portion of the project, now recommends:

a) Passage of the accompanying resolution providing for the transfer of \$50,000 of EZ funds to the MCDA for the project; and

b) That the proper City officers be authorized to execute a Memorandum of Understanding with the MCDA setting forth the terms and conditions of the arrangement.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2002R-295**

**By Johnson**

#### **Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the appropriation for the City Coordinator Agency in the Grants - Federal Fund (0300-840-8460) by \$55,000;

b) Increasing the appropriation for the Interfund Transfer Agency in the Grants - Federal Fund (0300-127-1270-9030) by \$55,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Project, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

a) Change Order #2 to Contract #013022 with Schindler Elevator Corporation decreasing said contract by \$491, for a new contract total of \$1,279,180;

b) Change Order #6 to Contract #13946 with Merimac Construction increasing said contract by \$164,549, for a new contract total of \$5,547,557.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 27, 2002)

**W&M/Budget** - Your Committee recommends approval of the schedule submitted by the Finance Officer for the Truth in Taxation and budget adoption hearings, as follows:

December 9, 2002, 5:05 p.m. - Initial Truth in Taxation Public Hearing, to present proposed property taxes, receive comments and answer citizen questions;

December 16, 2002, 5:05 p.m. - Continuation of Truth in Taxation Public Hearing, to continue public testimony as needed from the initial hearing.

Immediately following the hearing - Budget Adoption Public Hearing, to adopt the tax levy, adopt the 2003 budget (including the Minneapolis Community Development Agency budget) and adopt the utility rates.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the results of a reclassification study and recommendation to consolidate several Public Works Department positions into an Engineering Technician title, now recommends concurrence with the recommendation of the Department of Human Resources as follows:

a) Reclassify all Engineering Aide I incumbents to Engineering Technician I pursuant to the provisions of the Collective Bargaining Agreement, effective January 1, 2002;

b) Reclassify all Paving Test Aide I incumbents to Engineering Technician I (Engineering Lab) pursuant to the provisions of the Collective Bargaining Agreement, effective January 1, 2002;

c) Reclassify all Engineering Aide II incumbents except Richard Cramlet to Engineering Technician II pursuant to the provisions of the Collective Bargaining Agreement, effective January 1, 2002;

d) Reclassify Engineering Aide II incumbent Richard Cramlet to Engineering Technician III (Survey Crew) pursuant to the provisions of the Collective Bargaining Agreement, effective January 1, 2002;

e) Reclassify all Paving Test Aide II incumbents to Engineering Technician II (Engineering Lab) pursuant to the provisions of the Collective Bargaining Agreement, effective January 1, 2002;

f) Reclassify all Draftsman II incumbents to Engineering Technician II (Property Services) pursuant to the provisions of the Collective Bargaining Agreement, effective January 1, 2002;

g) Reclassify all Engineering Graphics Analyst I incumbents to Engineering Technician III (Graphic Analyst) pursuant to the terms of the Collective Bargaining Agreement, effective January 1, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary rates for the reclassified positions.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.



Ordinance 2002-Or-084 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified positions of Engineering Technician I, II and III, was passed August 23, 2002 by the City Council and approved August 28, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-084**  
**By Johnson**  
**1st & 2<sup>nd</sup> Readings: 8/23/2002**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 2002:

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of January 1, 2002, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be hourly or annual rates unless stated otherwise.

**AFSCME LOCAL 9 (CAF)**  
**Effective January 1, 2002**

Job Code	FLSA OTC	Classification title	3-Month P rate	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
N2		Engineering Tech I	H 14.441	15.363	16.172	17.023	17.919	18.862	19.855	20.900
N2		Engineering Tech II	H 15.944	16.962	18.263	19.067	19.784	20.825	21.921	23.075
N2		Engineering Tech III	H 17.162	18.258	19.219	20.230	21.295	22.416	23.596	24.838

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the results of a reclassification study and recommendation to upgrade the position of Supervisor, Planning, now recommends concurrence with the recommendation of the Department of Human Resources as follows:

a) Reclassify the three Supervisor, Planning positions from Grade 11 (508 points) to Grade 12 (543 points) of the City Promotional Line, effective January 1, 2002;

b) Reclassify the incumbents in the position, Neil Anderson and Blake Graham, from Supervisor, Planning (Grade 11) to Supervisor, Planning (Grade 12) effective January 1, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary rates for the reclassified position.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-085 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position of Supervisor, Planning, was passed August 23, 2002 by the City Council and approved August 28, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-085**  
**By Johnson**  
**1st & 2<sup>d</sup> Readings: 8/23/2002**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 2002.

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of January 1, 2002, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be the annual salary rates unless stated otherwise.

Section 1. That the following classifications listed in section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 2002:

**NON-REPRESENTED (CNR)**  
**Effective January 1, 2002**

Job	Exempt Classifications	FLSA/ OTC P	6-month rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Code Supervisor Planning	E1	A	60,962	63,502	66,957	70,494	74,223	78,363	82,530

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the application of Simpson Housing Services for an interim use permit (BZZ-751) for an overnight shelter accessory to a church for up to 20 women at 1900 - 11th Ave S, and having conducted a public hearing thereon, now recommends that the findings prepared by the Planning Department be adopted, and that said application be approved, subject to the following conditions:

a) The interim use shall expire on April 1, 2003;  
b) At the end date of the interim use, the applicant will have to cease operation of the shelter, apply for a conditional use permit to operate the shelter, or apply for an extension of the interim use permit;  
and

c) The shelter shall be limited to 20 occupants.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends concurrence in the recommendations of the Heritage Preservation Commission (HPC) review committee to reappoint the following individuals to the HPC, for three year terms, which expire June 1, 2005:

a) Linda Messenger, 611 - 5th St SE, Minneapolis, 55414 (Ward 2);

b) Virginia Housum, 3515 Cedar Lake Ave, Minneapolis, 55416 (Ward 7); and

c) Robert Glancy, 4842 Northrop Dr, Minneapolis, 55406 (Ward 12).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of Vera Matich (BZZ-758) to rezone the property at 1921 Elliot Ave S from R2B to the R4 District to allow the property the maximum occupancy allowed in the R4 District, now concurs in the recommendation of the Planning Commission to adopt the related findings prepared by the Planning Department, and to deny the application.

Your Committee further recommends concurrence in the recommendation of the Planning Commission to grant the application to rezone the property with supplemental zoning to add the NP North Phillips Overlay District, to allow the property owner to utilize the site for an accessory dwelling unit.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-086, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1921 Elliot Ave S with supplemental zoning to add the NP North Phillips Overlay District, was passed August 23, 2002 by the City Council and approved August 28, 2002 by the Mayor. A complete copy of the ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-086**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/23/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the North 48.46 feet of Lots 5, 6, 7, J.S. & W. Eliot's Addition to Minneapolis, according to the recorded plat thereof and situated in Hennepin County, MN (1921 Elliot Ave S - Plate 20), adding the NP North Phillips Overlay District.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Brighton Development (BZZ-733) to rezone the property at 1817, 1821, 1823 & 1829 - 3rd Ave S from R3 to the OR3 District to permit a 36-unit condominium building, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-087, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1817, 1821, 1823 & 1829 - 3rd Ave S to the OR3 District, was passed August 23, 2002 by the City Council and approved August 28, 2002 by the Mayor. A complete copy of the ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-087**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/23/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 13, 14, 15, 16, Block 21, Jackson Daniels & Whitney's Addition, Minneapolis (1817, 1821, 1823 & 1829 - 3<sup>rd</sup> Ave S - Plate 20) to the OR3 District.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Abbott Northwestern Hospital (BZZ-716) to rezone the property at 800 E 28<sup>th</sup> St from OR3 and C2 to the OR3 District to permit expansion of three existing buildings, adding approximately 402,300 square feet to the campus, and the construction of a 1,150 stall

parking garage that will contain 4,000 square feet of office space, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-088, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 800 E 28<sup>th</sup> St to the OR3 District, was passed August 23, 2002 by the City Council and approved August 28, 2002 by the Mayor. A complete copy of the ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-088**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/23/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1 through 14 and Lots 18 through 27 including adjacent one-half of vacated street and also including adjacent one-half of vacated alley, Block 4, Avery's Addition to Minneapolis (800 - E 28<sup>th</sup> St - Plate 26) to the OR3 District;

B. That part of Lot 28 including adjacent one-half of vacated alley, Block 4, Avery's Addition to Minneapolis (800 - E 28<sup>th</sup> St - Plate 26) to the OR3 District;

C. That part of Lot 29 including adjacent one-half of vacated alley, Block 4, Avery's Addition to Minneapolis (800 - E 28<sup>th</sup> St - Plate 26) to the OR3 District;

D. That part of Lot 30 including adjacent one-half of vacated alley, Block 4, Avery's Addition to Minneapolis (800 - E 28<sup>th</sup> St - Plate 26) to the OR3 District;

E. That part of the West 82 feet of Lot 31, Block 4, Avery's Addition to Minneapolis (800 - E 28<sup>th</sup> St - Plate 26) to the OR3 District;

F. That part of Lot 32 and that part of Lot 31 lying East of the West 82 feet thereof including adjacent one-half of vacated alley, Block 4, Avery's Addition to Minneapolis (800 - E 28<sup>th</sup> St - Plate 26) to the OR3 District.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: PO Pedestrian Overlay District*, to require the replacement of building stories when an existing building is altered or replaced in the Central and Lowry Area Pedestrian Overlay District, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-089 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *PO Pedestrian Overlay District*, amending Section 551.170 to require the replacement of building stories when an existing building is altered or replaced in the Central and Lowry Area Pedestrian Overlay District was passed August 23, 2002 by the City Council and approved August 28, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-089**  
**By Ostrow and Schiff**  
**Intro & 1<sup>st</sup> Reading: 8/21/2001**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 8/23/2002**

**Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 551.170 of the above-entitled ordinance be amended to read as follows:

**551.170. Central and Lowry area.** The following additional regulations shall govern development within the PO Overlay District in and around the intersection of Central Avenue Northeast and Lowry Avenue Northeast, as shown on the official zoning map:

(1) *Drive-through banking facilities.* Any lawfully nonconforming drive-through banking facility may add one (1) additional drive-through lane provided the additional drive-through lane is located within the boundaries of the zoning lot existing on the effective date of this ordinance, and subject to all other applicable regulations of this zoning ordinance.

(2) *Building alteration or replacement.* The alteration or replacement of an existing building shall not result in a reduction of the existing number of stories (e.g., a two-story building shall not be reduced to a one-story building or be replaced by less than a two-story building).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of the Minneapolis Public Housing Authority (#1387) to vacate that part of 18<sup>th</sup> Ave S running approximately 137 feet, from 7<sup>th</sup> St S to Cedar Ave S, to permit a parking lot, now concurs in the recommendation of the Planning Commission to grant said vacation, subject to retention of easement rights by Xcel Energy and the City of Minneapolis, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating said avenue.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-296, vacating part of 18<sup>th</sup> Ave S running approximately 137 feet, from 7<sup>th</sup> St S to Cedar Ave S was passed August 23, 2002 by the City Council and approved August 28, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-296**

**By Schiff**

**Vacating part of 18<sup>th</sup> Avenue South.**

Resolved by The City Council of The City of Minneapolis:

That all that part of 18<sup>th</sup> Avenue South as platted in Atwaters Addition to the Town of Minneapolis, Hennepin County, Minnesota, described as being bounded on the northeast by the southerly extension of the east line of Lot 7, Block 14, said Atwaters Addition to the most northerly corner of the Cedar Avenue Triangle, and bounded on the southwest by the southeasterly extension of the southwesterly line of Lot 6, Block 14, said Atwaters Addition to the most westerly corner of the Cedar Avenue Triangle is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: All of the to-be-vacated street, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

The City of Minneapolis will retain an easement for water, storm sewer and traffic control equipment and power purposes, and over, under and across the entire area of the proposed vacation.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends that the Council action of November 9, 2001 relating to conditional use permit C-2018, variance V-4553, and site plan review permit PR-556 (also numbered BZSP-69) for the proposed Calhoun Park and Emerson Rowhouses project at 1221 W Lake St, be amended by extending the time period for which such zoning approvals are valid from September 1, 2002 to December 31, 2002, to allow the applicant to obtain building or other permits that are contingent upon valid zoning approvals.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**MOTIONS**

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of September, 2002, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Schiff introduced the subject matter of an Ordinance amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, which was given first reading and referred to the Zoning & Planning Committee (Amending definition of "family" to include gay and lesbian households).

Lilligren moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for the following:

a) Applicant Myrna Christensen for El Milagro/The Miracle Lutheran Church for a residential block event to be held Saturday, August 31, 2002, between the hours of 12:00 noon and 4:00 p.m. on 17<sup>th</sup> Avenue South between 38<sup>th</sup> and 39<sup>th</sup> Streets South; and

b) Applicant Earl Rogers for Southside Neighborhood Housing Services for an event to be held Saturday, August 24, 2002, from 11:00 a.m. to 2:30 p.m. on Oakland Avenue South between 31<sup>st</sup> and 32<sup>nd</sup> Streets East.

Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Benson moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for the following:

a) Applicant Denise Takeshita for a residential block event to be held Sunday, August 25, 2002, between the hours of 4:30 p.m. and 7:30 p.m. on Harriet Avenue South between 47<sup>th</sup> and 48<sup>th</sup> Streets; and

b) Applicant Heather Vick for an event to be held Sunday, August 25, 2002, from 1:00 p.m. to 10:00 p.m. on Colfax Avenue South between 46<sup>th</sup> and 47<sup>th</sup> Streets, subject to payment of fees.

Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Niziolek moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Jayn Lindquist for a residential block event to be held Monday, August 26, 2002, between the hours of 6:00 p.m. and 10:00 p.m. on Blaisdell Avenue between 35<sup>th</sup> and 36<sup>th</sup> Streets.

Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.



Schiff moved to waive the 30-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant John Martin for Moto Primo for a business district block event to be held Saturday, August 24, 2002, between the hours of 10:00 a.m. and 5:00 p.m. on Snelling Avenue between Lake and 32<sup>nd</sup> Streets, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

## **RESOLUTIONS**

Schiff, Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmerman, Goodman, Lilligren, Niziolek, Benson, Colvin Roy and Lane offered a resolution honoring the 2002 Minneapolis South High Tigers Men's Tennis Team and Coach George Beske.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-297 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

### **RESOLUTION 2002R-297**

**By Schiff, Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmerman,  
Goodman, Lilligren, Niziolek, Benson, Colvin Roy and Lane**

**Honoring the 2002 Minneapolis South High Tigers Men's Tennis Team and Coach George Beske.**

Whereas, the Minneapolis South High Tigers Men's Tennis Team continues to compete successfully at the Minnesota State High School Tennis Championship Tournaments, finishing third in the state in 2000, first in 2001 and winning the Consolation Trophy in 2002; and

Whereas, D. J. Geatz won the 2002 Minnesota State Singles Championship, dominating opponents from Irondale, Henry, Sibley, Eden Prairie and Winona in the tournament, after closing out his senior year undefeated as the Tiger's first ranked singles player during the regular season; and

Whereas, Sion Wilkins and Mikey Kantar teamed up to win the 2002 Minnesota State Doubles Championship, defeating teams from Lakeville, Edina, Orono and Mounds View, after each winning all but one match as the Tiger's second and third singles players during the regular season; and

Whereas, the South High Tigers are the first Minneapolis public high school to win both the Minnesota State Singles and Doubles Titles in the same year since Minneapolis Southwest High School in 1948, which would be before the current player's parents were born! and

Whereas, outstanding tennis has become a tradition at South High under Coach George Beske, who has involved a very diverse group of players, many of whom learned how to play tennis in the Minneapolis Urban Tennis Program; and

Whereas, many of the members of these championship South High teams, who were first introduced to tennis through the Urban Tennis Program, are now sharing their skills with other young people as instructors in the program in communities across the city; and

Whereas, the players, coaches and supporters of the 2002 South High Tigers Team are bringing another opportunity for young people in our community to participate and excel in positive activities and earn honor and praise for themselves and their families;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council honors each member of the 2002 Minneapolis South High Tigers Men's Tennis Team for their great accomplishments at the State Tournament, for their ongoing contributions to youth in our communities, and for the pride that they have brought to the City of Minneapolis.

Be It Further Resolved that all players, coaches parents and supporters of the South High Tennis Program are recognized for their continued tradition of athletic performance, sportsmanship, community involvement and academic excellence.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Niziolek, Ostrow, Zerby, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Colvin Roy and Lane offered a resolution honoring the Lyndale Youth Farm and Market Project.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-298 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2002R-298**

**By Niziolek, Ostrow, Zerby, Johnson, Johnson Lee, Zimmermann,  
Goodman, Lilligren, Schiff, Benson, Colvin Roy and Lane**

**Honoring the Lyndale Youth Farm and Market Project.**

Whereas, the Lyndale Youth Farm and Market Project has taken the past eight summers in the Lyndale Neighborhood and turned them into eight growing seasons in which neighborhood youth have teamed up with neighborhood adults to grow, sell, and prepare locally grown, organic produce; and

Whereas, the youth and staff have taken numerous vacant, neglected and unused lots and turned them into beautiful and productive gardens which the residents of Lyndale now enjoy, including the Pillsbury Farm, the Flower Farm, the Global Kids Farm and the Charles Horn Terrace Peace Park and Youth Farm; and

Whereas, the Lyndale Youth Farm and Market Project has offered south Minneapolis residents eight years of fresh, locally grown, organic produce; and

Whereas, the youth have shown through their hard work and commitment that food can be grown organically in the city; and

Whereas, the Lyndale Youth Farm and Market Project has brought people of many ages, races, and cultures together to take a neglected part of public housing property and built a neighborhood peace garden which now serves as a great community gathering space; and

Whereas, the youth have given the staff of the Lyndale Youth Farm and Market Project the energy and renewed commitment to create sustainable and globally -minded communities; and

Whereas, the staff has given neighborhood youth the opportunity to learn and participate in the joy of growing and preparing their own food as well as other activities including arts, cooking, and projects that respect the global community in which we live; and

Whereas, the youth and staff are a part of the New Immigrant Farm Project whereby produce grown by new arrival farmers is prepared and delivered to area food shelves; and

Whereas, the artistic efforts of the Fiber Arts Group of the Lyndale Youth Farm and Market Project will now ensure that the walls of the 10<sup>th</sup> Ward City Council office will not be bare but will beautifully reflect the thoughts, hard work and artistic talents of the youth of the Lyndale neighborhood;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council honors the youth and staff of the Lyndale Youth Farm and Market Project for their hard work in turning vacant lots into beautiful and productive gardens, for their commitment to offering South Minneapolis residents fresh, locally grown organic food, for their vision that reminds us of the importance of gardens in our neighborhoods, for their efforts to bring people together of many ages, races and cultures, and for the great positive light they bring to the City of Minneapolis.

Be It Further Resolved that all youth and staff of the Lyndale Youth Farm and Market Project be recognized for their continued tradition of creating sustainable, globally- minded communities.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed August 23, 2002.

Approved August 28, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

### **UNFINISHED BUSINESS**

Tariq Restaurant (137 E Franklin Av): Revoke Restaurant License for failure to complete site plan review process. (Postponed 6/7/2002, PS&RS)

Auto Mart (501 W Lake St): Revoke Site Plan Review Permit SP-215 and Motor Vehicle Dealer - Used Car (Additional Lot) License for failure to complete site plan review process. (Postponed 7/12/2002, PS&RS)

Ya Vang (1821 W. Broadway): Deny waiver from W Broadway moratorium to establish a used car dealership. (Postponed 7/26/2002, Z&P)

By unanimous consent, the above three reports continued to be postponed.

2002 Alley Resurfacing Program: Passage & summary publication of a Resolution designating the N-S alley in the block from 33<sup>rd</sup> St E between 22<sup>nd</sup> Av S and 21<sup>st</sup> Av S. (Postponed 8/9/2002, T&PW)

Schiff moved that the above report be deleted from the agenda. Seconded.

Adopted upon a voice vote.

### **NEW BUSINESS**

Johnson introduced an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee (Extending the health/dental insurance continuation for laid off employees to 2003).

Ostrow moved that when this Council adjourns, it adjourn to Thursday, August 29, 2002, at 5:00 p.m. in the Council Chamber for the purpose of consideration of the Civilian Police Review Authority Action Group Report. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Adjourned.

Merry Keefe,  
City Clerk.

Created 8/26/2002;  
Modified 8/29/02;  
Modified 9/19/02;  
Modified 12/10/02